



# BANGKOK DIALOGUE ON THE RULE OF LAW



INVESTING IN  
**THE RULE OF LAW,  
JUSTICE AND SECURITY**  
FOR THE POST-2015 DEVELOPMENT AGENDA

May 2014

## **Editorial Board:**

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for the Thailand Institute of Justice

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for Political Affairs of the United Nations

**Jeremy Douglas,**

Regional Representative for East Asia and the Pacific  
for the United Nations Office on Drugs and Crime

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## ABOUT THE REPORT

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The Final Report of “*The Bangkok Dialogue on the Rule of Law: Investing in the Rule of Law, Justice and Security for the Post-2015 Development Agenda*” is the more extensive publication of the proceedings of the inaugural high-level conference held at the Siam Kempinski Hotel in Bangkok, Thailand, on 15 November 2013. It follows the shorter Summary Report published and distributed at the Open Working Group on Sustainable Development Goals meeting in New York from 3 to 7 February 2014.

# ABOUT THAILAND INSTITUTE OF JUSTICE

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Founded by Royal Decree in 2011, the Thailand Institute of Justice (TIJ) is a public organization affiliated with the Ministry of Justice. TIJ is a research institute established to support capacity building and policy reform in accordance with international norms and standard practices to address challenges affecting the criminal justice community in Thailand and abroad. The Institute's area of research for the criminal justice community includes (i) the implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (commonly referred to as "the Bangkok Rules"), (ii) the rule of law and peace-building, (iii) transnational organized crime and (iv) crime and development.

## PARTICIPANTS IN THE BANGKOK DIALOGUE ON THE RULE OF LAW

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### Introductory Remarks and Opening Statements



Her Royal Highness Princess  
Bajrakitiyabha Mahidol,  
Ambassador and Permanent  
Representative of Thailand to  
the United Nations Office at Vienna



Yingluck Shinawatra,  
Prime Minister of Thailand



Chaikasem Nitisiri,  
Minister of Justice of Thailand



Surapong Tovichakchaikul,  
Deputy Prime Minister and  
Minister of Foreign Affairs of Thailand



**Ban-Ki-moon,**  
Secretary-General of the United Nations



**Tshering Tobgay,**  
Prime Minister of Bhutan



**Marty M. Natalegawa,**  
Minister of Foreign Affairs of Indonesia



**Yury Fedotov,**  
Executive Director  
of the United Nations Office on  
Drugs and Crime

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**Jan Eliasson,**  
Deputy Secretary-General of  
the United Nations



**Navanethem Pillay,**  
United Nations High Commissioner for  
Human Rights



**Jose Ramos-Horta,**  
Special Representative of  
the Secretary-General and  
Head of the United Nations Integrated  
Peacebuilding Office in Guinea-Bissau  
and former President of Timor-Leste



**Katsuyuki Nishikawa,**  
Vice-Minister of Justice of Japan





**Tun Shin,**  
Attorney General of Myanmar



**Josh Frydenberg,**  
Parliamentary Secretary to  
the Prime Minister of Australia



**Michael Vatikiotis,**  
Asia Regional Director of  
the Center for Humanitarian Dialogue

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**Surakiart Sathirathai,**  
Chairman of Asian Peace and Reconciliation  
Council and former Deputy Prime Minister,  
Minister of Finance and Minister of Foreign  
Affairs of Thailand



**Gareth Evans,**  
Chancellor of Australian National University  
and former Minister for Foreign Affairs  
of Australia



**David Kennedy,**  
Professor of Law and Director of  
the Institute of Global Law and Policy,  
Harvard Law School



**Sarah Cliffe,**  
Special Advisor and  
Assistant Secretary-General on Civilian  
Capacities of the United Nations



**Matti Joutsen,**  
Professor of Criminal Justice  
at John Jay College of Criminal Justice

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**Mark Lagon,**  
Professor of Global Politics at Georgetown  
University and former United States  
Ambassador-at-Large on Human Trafficking



**William Neukom,**  
Founder, President and CEO of  
the World Justice Project



**Roberta Clarke,**  
Regional Director of UN Women  
Regional Office for Asia and the Pacific



**Tariq Khosa,**  
Former Director General of the Federal  
Investigation Agency and National Police  
Bureau of Pakistan



**Vitit Muntarbhorn,**  
Distinguished Professor of Law  
at Chulalongkorn University

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## Foreword

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His Excellency Ambassador  
Adisak Panupong  
Executive Director of the Thailand  
Institute of Justice

The Bangkok Dialogue on the Rule of Law: “Investing in the Rule of Law, Justice and Security for the Post-2015 Development Agenda” marked an important moment in the discourse on how the international community can enhance the Millennium Development Goals. Inaugurated as a new international forum, the Bangkok Dialogue represented a culmination of extraordinary cooperation among like-minded individuals, organizations and government agencies.

For a newly established institute such as the Thailand Institute of Justice (TIJ), the Bangkok Dialogue on the Rule of Law was a unique opportunity to reach out to partners in Thailand and abroad who are

dedicated to realizing a common goal: improving the lives of all people by strengthening the rule of law and criminal justice systems as an essential means to achieve sustainable development.

With the presentation of diverse perspectives throughout the dialogue, there was an increasing consensus not only amongst the event's participants, but also in Thailand, the United Nations and its international partners that the rule of law, justice and security should be mainstreamed in the post-2015 development agenda.

I would be remiss to not acknowledge the vital role that Her Royal Highness Princess Bajrakitiyabha Mahidol had played throughout the entire process. Such a commitment reflects Her Royal Highness own impressive career that is dedicated to advocating fairness and justice in society, not only in Thailand but around the world.

Finally, I would like to express my sincere appreciation to all the individuals, organizations and government agencies that came together to make the inaugural session of the Bangkok Dialogue on the Rule of Law a success. With the United Nations General Assembly expecting to deliberate on the post-2015 development agenda at its 69th session in 2014, this Final Report cannot come at a more timely and critical juncture.

## Special Acknowledgement:

### Her Royal Highness Princess Bajrakitiyabha Mahidol

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Her Royal Highness Princess Bajrakitiyabha Mahidol,  
Ambassador and Permanent Representative of Thailand  
to the United Nations Office at Vienna



Currently serving as Ambassador and Permanent Representative of the Kingdom of Thailand to the United Nations Office in Vienna, Austria, Her Royal Highness Princess Bajrakitiyabha Mahidol was the principal driver behind the Bangkok Dialogue on the Rule of Law. Her Royal Highness has been steadfast in her efforts to ensure that the rule of law and criminal justice will constitute an integral part of the United Nations post-2015 development agenda.

As a former prosecutor at the Office of the Attorney General in Thailand, Her Royal Highness learned first-hand the interrelationships between the rule of law and sustainable development. Confronted with the many challenges faced by women in the criminal justice system, Her Royal Highness initiated in 2006 the 'Kamlangjai (Inspire) Project' with the aim to improve the lives of female prisoners in Thailand. In 2008, she launched another project called 'Enhancing Lives of Female Inmates' or "ELFI" to support Thailand's proposal for international rules on female prisoners. These efforts resulted in the adoption of the 'United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders' also known as the "Bangkok Rules" by the United Nations General Assembly at its 65th session in 2010.



Photo by Ratchada Chitrada

A well-functioning justice system, too, is a necessary variable that ensures the effective delivery of public services and equal access to economic opportunities.

Her Royal Highness Princess Bajrakitiyabha Mahidol,  
Ambassador and Permanent Representative of Thailand  
to the United Nations Office at Vienna



By graciously accepting the invitation in 2011 to establish the Thailand Institute of Justice (TIJ) and serve as the Chairperson of its Special Advisory Board, Her Royal Highness reaffirmed her belief that an effective rule of law and criminal justice system is imperative for sustainable development. Speaking on behalf of the Association of Southeast Asian Nations (ASEAN) at the High-Level Meeting on the Rule of Law at the National and International Levels in New York, in September 2012, she eloquently captured this sentiment by stating, “Addressing the link between crime and development is important in promoting the rule of law. Crime hinders sustainable development, but development can help reduce crime. Rule of law and sustainable socio-economic development are thus two forces that work together for the betterment of society.”



Photo by Ratchada Chitrada

In April 2013, at the 22nd session of the Commission on Crime Prevention and Criminal Justice (CCPCJ), Thailand presented a draft resolution entitled: ‘The rule of law, crime prevention and criminal justice in the United Nations development agenda beyond 2015’, for final approval by the General Assembly. This resolution reiterates that “the advancement of the rule of law at the national and international levels is essential for sustained and inclusive economic growth, sustainable development, the eradication of poverty and hunger and the full realization of all human rights and fundamental freedoms, including the right to development, all of which in turn reinforce the rule of law” and further underscores that “the post-2015 development agenda should be guided by respect for and promotion of the rule of law, and that crime prevention and criminal justice have an important role in that regard.”

The Bangkok Dialogue on the Rule of Law, therefore, builds on the tireless efforts of Her Royal Highness Princess Bajrakitiyabha Mahidol as well as those of the Thai government and their various partners in the international community, to ensure that mainstreaming the rule of law, justice and security for inclusion in the post-2015 development agenda becomes a reality.

# 1

## Introduction

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The adoption of the Millennium Development Goals (MDGs) nearly 14 years ago served as a watershed moment in international efforts to eradicate poverty and foster global development. The optimism surrounding the MDGs has not been without impressive results. The world has witnessed the fastest reduction in poverty in human history with half a billion fewer people living below the international poverty line of US\$ 1.25 per day. Child death rates have fallen by more than 30 percent, with about three million children saved each year and deaths from illnesses such as malaria have fallen by one quarter. However, despite these successes, the international community has also acknowledged several unforeseen shortcomings of the MDGs. For example, efforts have not reached societies' most excluded, nor take into account the devastating effects of conflict and violence on development. It also did not fully appreciate the importance of good governance and institutions that guarantee the rule of law and open and accountable government.



Photo by Ratchada Chitrada

Child death rates have fallen by more than 30 percent, with about three million children saved each year and deaths from illnesses such as malaria have fallen by one quarter.



Chaikasem Nitisiri,  
Minister of Justice of Thailand

As both Ambassador and Permanent Representative of the Kingdom of Thailand to the United Nations Office in Austria, Her Royal Highness Princess Bajrakitiyabha Mahidol, recognized that one essential shortcoming of the MDG framework was the absence of the rule of law. As the MDGs' target date is set for 2015, it provided the impetus for organizing the Bangkok Dialogue on the Rule of Law: 'Investing in the Rule of Law, Justice and Security for the Post-2015 Development Agenda', on 15 November 2013 in Bangkok, Thailand. Hosted by the Ministry of Justice of Thailand and organized in collaboration with the Thailand Institute of Justice (TIJ) and the Ministry of Foreign Affairs, the Bangkok Dialogue on the Rule of Law brought together heads of state, political leaders, academics and civil society stakeholders, including high-level participation from 11 countries, as well as contributions by the UN Secretary-General and Deputy Secretary-General, to discuss the interrelationships between the rule of law and sustainable development.



## The Post-2015 Development Agenda

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Over the past years, the international community began several initiatives to provide recommendations for the development agenda beyond 2015. As Member States agreed during the Rio+20 United Nations Conference on Sustainable Development in June 2012, additional goals and targets are required to promote development that is comprehensive and sustainable. In its outcome document, ‘The Future We Want’, the participants “acknowledge the need to further mainstream sustainable development at all levels, integrating economic, social and environmental aspects and recognizing their interlinkages, so as to achieve sustainable development in all its dimensions.” As the report further points out “good governance and the rule of law are essential for sustainable development, including sustained and inclusive economic growth, social development, environmental protection and the eradication of poverty and hunger.” In sum, the report highlights the integral role of the rule of law to achieving sustainable development.



Subsequently, in July 2012 UN Secretary-General Ban Ki-moon established the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda (HLP) to provide recommendations on what goals, targets and indicators should be included in the global development framework beyond 2015. On 30 May 2013, the HLP released its findings in the report, 'A New Global Partnership : Eradicate Poverty and Transform Economies Through Sustainable Development'. The report notes five large transformative shifts that are necessary to eradicate poverty and transform economies through sustainable development. Significantly, the HLP report called for building peace through effective, open and accountable institutions that deliver the rule of law and ensure access to justice.



Complementing the HLP report, and in line with the outcome document of the Rio+20 Conference, the General Assembly established the Open Working Group on Sustainable Development Goals (OWG) in January 2013. While the HLP report was UN-directed and the result of inclusive consultations with civil society, the private sector, research institutions and academia, by contrast the OWG is a Member State-led process, consisting of thematic sessions, scheduled to submit a final report including proposals for sustainable development goals (SDGs) in 2014. During the eighth thematic session of the OWG in early February 2014, participants discussed the importance of governance and the rule of law to achieve sustainable development. The Permanent Mission of Thailand to the United Nations, in collaboration with TIJ, organized a side



event meeting where the key highlights of the Bangkok Dialogue on the Rule of Law were presented.

The deliberations on the MDGs at the Millennium Summit in 2000 prevailed on the notion that rule of law goals and targets were extremely difficult to measure and thus excluded from the MDG framework. Since then, evidence has accumulated that has countered that assumption, indicating that the rule of law, justice and security can no longer be overlooked if sustainable development is to be achieved. For example, the 2013 United Nations Office on Drugs and Crime (UNODC) Study on ‘Accounting for Security and Justice in the Post-2015 Development Agenda’, provides reliable methodologies

to measure goals, targets and indicators on the rule of law, justice and security, as well as their correlation with sustainable development, thus no longer justifying their omission. Secretary-General Ban Ki-moon captures this growing awareness in his July 2013 report, ‘A Life of Dignity for All’, by clearly stating, that “sustainable development cannot be fully realized without respect for human rights and the rule of law.”

The delivery of a new framework for the post-2015 development agenda is the prerogative of Member States of the United Nations. It is also the responsibility of the United Nations system to support its Member States in fulfilling this task with evidence-based analysis and field experience. In the spirit of advancing this goal, the Bangkok Dialogue on the Rule of Law conference brought world leaders, United Nations officials, civil society actors and academics together to discuss ways to apply the rule of law, justice and security in the post-2015 development agenda. The ideas expressed and impact generated through the conference, as summarized in this Final Report, clearly illustrates the urgent need for the international community to mainstream the rule of law in the post-2015 development agenda, thus fully supporting ongoing international efforts to reach this common goal.



# 3

## The Need for the Rule of Law, Justice and Security in the Post-2015 Development Agenda

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### 3.1 Opening Statements

The Bangkok Dialogue commenced with the statements of several key leaders including ministers representing the Royal Thai government. The Minister of Justice of Thailand, Chaikasem Nitisiri, underscored the importance of the rule of law as a precursor for inclusive economic growth and sustainable development. Emphasizing the relevance of rule of law from the perspective of the criminal justice system, Minister Nitisiri drew parallels between equality before the law and inclusive economic policies by stating: “When the justice system in a country is predicated on equality before the law, it is more likely that same philosophy will be incorporated in the development and implementation of economic policies. When such is the case, the policies will seek to include as many beneficiaries as possible.” Furthermore, he also acknowledged the significance of knowledge-sharing and explained that the Government of Thailand established the TIJ to realize that end.

Surapong Tovichakchaikul,  
Deputy Prime Minister and  
Minister of Foreign Affairs of Thailand



The Foreign Minister of Thailand, Surapong Tovichakchaikul, noted that Thailand was in full agreement that the post-2015 development agenda should include the rule of law as vital to achieving sustainable development. In particular, he also proposed that the post-2015 development agenda should ultimately be comprised of three key elements: “first, it must build on the success of the MDGs and address the remaining obstacles to fully achieving the targets; second, it should also be responsive to pressing global challenges, whether they be social, economic or environmental questions; and, most importantly, a people-centered approach should remain the focus for inclusive development.” Overall, Minister Tovichakchaikul, in a direct reference to the post-2015 development agenda, stated that Thailand would “put forward the idea that the rule of law can itself be a goal for development. In fact, ensuring justice and the rule of law can also be an underpinning element behind the achievement of development targets.”

The Prime Minister of Thailand, Yingluck Shinawatra, expressed her government’s strong support for the





Yingluck Shinawatra,  
Prime Minister of Thailand

inclusion of the rule of law, justice and security in the post-2015 development agenda. She stated that forums like the Bangkok Dialogue on the Rule of Law could provide a much-needed platform for knowledge-sharing, as well as dialogue that would serve to build the momentum for reaching a broader consensus on this issue. Prime Minister Shinawatra also noted that, domestically, the Bangkok Dialogue would “enhance Thailand’s constructive role in promoting the rule of law at national and international levels, in particular in the United Nations framework.” Overall, the Prime Minister pledged Thailand’s full support to Her Royal Highness Princess Bajrakitiyabha Mahidol’s vision to ensure that the rule of law would be included in the post-2015 development agenda.

Opening her keynote speech with a stark warning of the dangers of neglecting the rule of law, crime prevention and criminal justice from the sustainable development perspective, Her Royal Highness Princess Bajrakitiyabha Mahidol noted that economic success transcends mere indicators such as GDP. Her Royal Highness emphasized the importance of criminal justice institutions by arguing

that, “a well-functioning justice system, too, is a necessary variable that ensures the effective delivery of public services and equal access to economic opportunities”. She further elaborated that access to those institutions was extremely important and made a special call for all States to “ensure that no individual or group is left out and barred from justice”. Her Royal Highness stated that “for the poor and marginalized groups in a society, access to justice should be actively promoted and include input on decisions that affect not only their well-being, but also the full enjoyment of their civil and political rights.”

Her Royal Highness addressed the challenge of corruption as a severe impediment to sustainable development, since “it diverts resources away from poverty eradication, the fight against hunger, and the delivery of public services”. Finally, discussing the negative impact barriers to access to justice in cases involving violence against women, Her Royal Highness posed the question, “How can any economy truly achieve its maximum potential when half of the population is discriminated against in the labour force, and are also more susceptible to violence?” Her Royal Highness highlighted how this challenge transcends all boundaries of age, race, culture and geography, and emphasized the need for governments to actively find ways to ensure that institutions are gender sensitive, in particular allowing access to justice to the most vulnerable. Concluding, Her Royal Highness



Photo by Ratchada Chitrada

For the poor and marginalized groups in a society, access to justice should be actively promoted and include input on decisions that affect not only their well-being, but also the full enjoyment of their civil and political rights.

**Her Royal Highness Princess Bajrakitiyabha Mahidol,  
Ambassador and Permanent Representative of Thailand  
to the United Nations Office at Vienna**



Photo by Ratchada Chitrada



The rule of law is the bedrock of peace and good governance, justice and human rights. It provides the foundation for all our development goals: from building societies shattered by conflict; to reducing poverty; promoting gender equality; and addressing global challenges such as climate change.

Ban-Ki-moon  
Secretary-General of the United Nations



Ban-Ki-moon,  
Secretary-General of the United Nations

reiterated that incorporating the rule of law in the post-2015 development agenda could not only mitigate such challenges but also ensure a better future for younger generations.

The Secretary-General of the United Nations, Ban Ki-moon, addressed the Bangkok Dialogue on the Rule of Law through a video statement. Referring to his July 2013 report, 'A Life of Dignity for All', he stated that "the rule of law is the bedrock of peace and good governance, justice and human rights. It provides the foundation for all our development goals: from building societies shattered by conflict; to reducing poverty; promoting gender equality; and addressing global challenges such as climate change". He commended the efforts of Her Royal Highness and the Government of Thailand in taking a leading role on this issue in the international arena, and



Photo by Ratchada Chitrada

A king loves his people, his people  
desire happiness, and the source of all  
happiness is the rule of law.

Tshering Tobgay,  
Prime Minister of Bhutan

Tshering Tobgay,  
Prime Minister of Bhutan



concluded with the following call, “Let us work together for a world where all people everywhere enjoy their fundamental rights, good governance, the rule of law, transparency, and accountability.”

The Prime Minister of Bhutan, Tshering Tobgay, opened his remarks by referring to the popular Bhutanese proverb, “A king loves his people, his people desire happiness, and the source of all happiness is the rule of law”. He then referred to his country’s Gross National Happiness Index, which is “...built of four pillars. One of the pillars - the most important pillar, in fact - is good governance. And good governance is ultimately about the rule of law”. He praised the success of the MDGs, but warned against inequality and leaving the most vulnerable, in particular children, behind. He therefore concluded, “The noble intentions of the post-2015 development agenda can be realized if, and only if, it incorporates the ideals and principals of the rule of law. I join in calling for the



Marty M. Natalegawa,  
Minister of Foreign Affairs  
of Indonesia

post-2015 development agenda to invest seriously and adequately in the rule of law.”

Speaking on behalf of President Susilo Bambang Yudhoyono, the Indonesian Foreign Minister Marty M. Natalegawa, reiterated Indonesia’s long-held position that “the post-2015 development agenda should be guided by respect for and promotion of the rule of law”. He proposed that the development community no longer associates security, freedom from conflict and access to justice as outcomes of sustainable development, but also as major drivers of development, by stating that the well-being of individuals should include peace and governance as core elements. Arguing that a country’s economic development that stems from the consideration of the welfare of individuals is more likely to be sustainable. Foreign Minister Natalegawa also pointed out that such development should also be characterized by its long-term effects, because “sustainable development should meet



Yury Fedotov,  
Executive Director  
of the United Nations Office on  
Drugs and Crime



the need of the people, without compromising the ability of future generations to meet their own needs.”

The Executive Director of the United Nations Office on Drugs and Crime (UNODC), Yury Fedotov, reflected on how weak rule of law can affect a country’s development prospects. He referred to a recent UNODC study on transnational organized crime in East Asia and the Pacific revealing “the conservatively estimated value of crime flows in the region at US\$90 billion per year”. He also noted that the anticipated integration of the ASEAN Community would offer as many opportunities for growth as it would do for criminal activities. Irrespective of the latter, Executive Director Fedotov, reiterated the commitment of UNODC to continue to provide capacity-building and technical assistance to counties in need, because, as the “guardian of the international conventions on drugs, transnational organized crime and corruption, UNODC was very well-placed in promoting the rule of law to achieve sustainable development goals.”

### 3.2 Dialogue with Political Leaders

The Deputy Secretary-General of the United Nations, Jan Eliasson, in his video message, noted that “...in approaching the final two years in our campaign to achieve the MDGs, there is a growing understanding that our work could have been enhanced by even greater emphasis on the rule of law”. In fact, “...the rule of law is not an abstract concept: enforceable contracts support fair labour regulation for inclusive growth; an effective criminal justice system reduces violence; a just constitution promotes equality; and independent judges can hold state institutions to account and protect people’s rights.” Accordingly, the rule of law “...promotes the rights of people to live in dignity, with access to decent housing, to health, to nutrition, education and jobs.” He concluded with a call to “...ensure that the rule of law will have its rightful place on the [post-2015 development] agenda.”

The Former President of Timor-Lesté, José Ramos Horta, drew from his experience in his country and, currently, as Special Representative to the Secretary-General in Guinea-Bissau by calling the rule of law “...one of the pillars of the democratic society [is], that building it takes a long, long time,” and how “...this creates [insecurity] in the people’s daily lives”. He subsequently addressed growing inequality around the world, and said, “Extreme poverty coexisting with opulence has to give way to more just and egalitarian societies. We have learned



Photo by Ratchada Chitrada

The rule of law is not an abstract concept: enforceable contracts support fair labour regulation for inclusive growth; an effective criminal justice system reduces violence; a just constitution promotes equality, and independent judges can hold state institutions to account and protect people's rights.

**Jan Eliasson**  
Deputy Secretary-General  
of the United Nations



Photo by Ratchada Chitrada

The rule of law is the foundation of a law-abiding nation and a basic and universal principle that is integral to achieve democracy, human rights and peace.

Katsuyuki Nishikawa,  
Vice-Minister of Justice of Japan



Jan Eliasson,  
Deputy Secretary-General  
of the United Nations



Katsuyuki Nishikawa,  
Vice-Minister of Justice of Japan

that rapid growth might make us all impressed and proud because we all like to show off 7%, 8%, 10%, 11% digit growth. But in many instances it has only widened the gap between the poor and the well off, between the urban middle class and the rural poor, and hence caused further social and political tensions.”

The Vice-Minister of Justice of Japan, Katsuyuki Nishikawa, speaking on behalf of the Minister of Justice, Sadakazu Tanigaki, expressed Japan’s support for the Bangkok Dialogue’s aim of increasing global awareness on the rule of law in the post-2015 development agenda. Noting that “the rule of law is the foundation of a law-abiding nation and a basic and universal principle that is integral to achieve democracy, human rights and peace”, Minister Nishikawa underscored Japan’s efforts to engage international cooperation on the rule of law. For example, it provides legal development trainings aimed to support the legislative process in Asian countries. Other activities include training programs conducted by the United Nations



Photo by Ratchada Chitrada

We are enjoined to the doers of the words, and not hearers only. And it is on the observance of the rule of law that the quality of government depends.

Tun Shin,  
Attorney General of Myanmar

Tun Shin,  
Attorney General of Myanmar



and Asia Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), which are dedicated to strengthening the rule of law.”

The Attorney General of Myanmar, Tun Shin, provided a conceptual understanding of the origins of the rule of law, as well as the importance of judicial independence and the need to establish “a rule-based society in the interest of legal certainty and predictability”. While acknowledging the importance of establishing formal declarations related to implementing the rule of law, Attorney General Shin also made clear that such aspirations, if unrealized, may ultimately prove inconsequential. “We are enjoined to the doers of the words, and not hearers only. And it is on the observance of the rule of law that the quality of government depends”. In this connection, he highlighted the impact that the rule of law has on economic activities such as the enforcement of adequate business and dispute resolution laws which, in turn, can help attract investment. In concluding, the Attorney General stated that “only when such mechanisms are in place can sustainable development be truly possible.”



Photo by Ratchada Chitrada

[The rule of law was] an essential precondition for national prosperity, and indeed the cornerstone of national security.

Josh Frydenberg,  
Parliamentary Secretary to  
the Prime Minister of Australia





Josh Frydenberg,  
Parliamentary Secretary to  
the Prime Minister of Australia

Speaking on behalf of the Australian Prime Minister Tony Abbott, Parliamentary Secretary Josh Frydenberg, rejected the notion that the rule of law was an abstract term. On the contrary, he emphasized that the rule of law was “an essential precondition for national prosperity, and indeed the cornerstone of national security, and a key part of the global solution to the global challenges of poverty, inequality and injustice”. Secretary Frydenberg stressed that the private sector should drive development, given that it is already responsible for an overwhelming amount of national employment. Due to the fact that foreign direct investment far exceeds that of development assistance, private enterprises are better positioned to lead national development. Countries with a strong rule of law attract FDI and help give assurances that investment can have a long and sustainable presence. Finally, indicating that sustainable development’s greatest threat is, “instability and corruption”, Secretary Frydenberg concluded his statement by stressing that the rule of law is an important goal to be included in the post-2015 development agenda.

The United Nations High Commissioner for Human Rights, Navanethem Pillay, began her video message

by noting that “the rule of law, justice and security are essential dimensions of development” and, “over the past 18 months, this awareness has built up into irresistible pressure to explicitly and effectively incorporate these issues in the new development agenda”. The question now turns to how to realize such aspirations: the first step is to clearly define the rule of law and human rights. Reflecting upon her experience, growing up in apartheid South Africa, she stated that both concepts cannot be divorced and that, “true rule of law demands equality before the law, equal protection of the law, and the prohibition of discrimination on any grounds”. Second, she stated that we must develop the means to measure the rule of law in order to determine the extent of its absence or of its presence. She concluded with the recommendation that the post-2015 development agenda should promote global institutions and governance processes dedicated to defending human rights, taking into account the right to development.

The Minister of Justice of Qatar, Hassan Lahdan Al Mohadanni, attended the Bangkok Dialogue not only to demonstrate his government’s support for the initiative, but also to recall that his country would be hosting in Doha, in April 2015, the XIII United Nations Crime Prevention and Criminal Justice Congress, whose main theme will be “Integrating crime prevention and criminal justice into the wider United Nations agenda to address

True rule of law demands equality before the law, equal protection of the law, and the prohibition of discrimination on any grounds.

Navanethem Pillay,  
United Nations High Commissioner for Human Rights

Photo by Ratchada Chitrada





social and economic challenges and to promote the rule of law at the national and international level, and public participation”. The Government of Finland submitted a position paper highlighting the cross-cutting nature of the rule of law, which requires a comprehensive approach from the United Nations and its Member States. The report stated that “...the rule of law, human rights or good governance were not among the MDGs. Therefore, the Government of Finland considered it important to ensure that they were included in the new post-2015 development agenda.”

After extensive discussions among the panellists and a questions and answers session with the other participants, the facilitator of the panel, Michael Vatikiotis, Asia Regional Director of the Centre for Humanitarian Development, concluded the general debate by highlighting the most relevant points from the session. He also stressed that there was strong international support for including specific targets and goals for the rule of law, security and justice in the development agenda beyond 2015, and that the dialogue started in Bangkok had to be followed up in other United Nations forums, as appropriate.

# 4

## The Interrelationship between the Rule of Law and Sustainable Development

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The Former Deputy Prime Minister and Foreign Minister of Thailand, and current Chair of the Asian Peace and Reconciliation Council, Dr. Surakiart Sathirathai opened his remarks highlighting that sustainable economic development is directly linked to the rule of law. He stated, “while law and regulations aim to regulate human behaviour in society, the rule of law ensures that such laws and regulations are created through an acceptable process by what is called ‘due process of law’, and applied fairly and impartially to all groups in society”. Furthermore, “economic laws passed without hearing the views of directly interested parties [the exporters, importers, manufacturers, entrepreneurs, farmers or workers will not be readily enforceable”. To achieve sustainable and inclusive economic development participation is essential, as it creates accountability and transparency, and leads to the “...acceptance of the law and therefore compliance with it.”

Drawing a contrast from a participatory model of legal development, Dr. Sathirathai provided a stern



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The balance between economic growth and sustainable development can only be made by adherence to the rule of law, as a framework for law making and its application.

Surakiart Sathirathai,  
Chairman of Asian Peace and Reconciliation Council  
and former Deputy Prime Minister, Minister of Finance  
and Minister of Foreign Affairs of Thailand



Surakiart Sathirathai,  
Chairman of Asian Peace and Reconciliation Council and  
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warning against the arbitrary administration of any economic activity, including awarding contracts and licenses, without proper oversight and accountability mechanisms in place. Such an absence would foster an economic climate plagued by corruption, thus producing uncertainty and discouraging investment. Finally, Dr. Sathirathai concluded that “the balance between economic growth and sustainable development can only be made by adherence to the rule of law, as a framework for law making and its application”. To that end, he emphasized the importance of including the rule of law in the post-2015 development agenda, so as to ensure freedom, peace and prosperity for all.

The former Australian Foreign Minister and current Chancellor of the Australian National University, Dr. Gareth Evans, addressed the rule of law and sustainable development dynamics within the specific context of conflict prevention. The only generalization applicable, he said, were to countries most likely to lapse into conflict, which are those that have been experiencing conflicts before. “Every post-conflict or post-crisis

Gareth Evans,  
Chancellor of Australian National University and  
former Minister for Foreign Affairs of Australia



situation contains the potential seeds of the next round of destruction”. Therefore, he continued, “the conflict containment structures and capacities that need to be applied in a post-conflict environment are the same as those that need to be applied in fragile, failing or failed states to prevent violent conflict breaking out in the first place.”

The focus “must be on structural prevention, building institutional structures and processes: not only legal, but political, military, economic and social, capable of relieving non-violently all the crucial stress points that arise between individuals and groups. My view is that there is nothing more important to get right in this respect than the rule of law, justice and governance”. In practice, he said, “adequately resourced courts with effective administrations; well-trained, honest and independent judges and legal practitioners; procedural systems that deal with matters quickly, fairly and justly; access to affordable basic legal remedies, and; clear and reasonable legal rules, not least those governing economic transactions [including, but not limited to, intellectual



Every post-conflict or post-crisis situation contains the potential seeds of the next round of destruction.



Photo by Ratchada Chitrada

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While the law itself is a matter of choice and specific contexts, public institutions are necessary because they are tasked with implementing such choices.



David Kennedy,  
Professor of Law and  
Director of the Institute of Global Law and Policy,  
Harvard Law School

property rights]”. Physical security is the first priority, but the rule of law “...deserves much higher priority than in the past”. Dr. Evans concluded by expressing gratitude for events like the Bangkok Dialogue to fuel the conversation addressing such problems as well as recommending with the associated remedies.

Harvard Law Professor and Director of the Institute for Global Law and Policy, Dr. David Kennedy admitted that, while there was no consensus about how to bring about development, a consensus does exist, however, regarding the importance of the rule of law and state institutions. Dr. Kennedy stressed the importance of the law, as it “provides the foundations for economic activity - money, credit, corporations, capital and labour”. Not only does law regulate such activities, it also creates them, in their various manifestations. While the law itself is a matter of choice and specific contexts, public institutions are necessary because they are tasked with implementing such choices. Like laws, Dr. Kennedy made clear that

Sarah Cliffe,  
Special Advisor and Assistant Secretary-General on  
Civilian Capacities of the United Nations



institutions are products of choices and that those that are effective, “are rare, expensive and difficult to build.”

Elaborating further on the aspect of the centrality of laws for market functionality, Dr. Kennedy stressed that laws have to be “transparent and effective”. Clear information about rules and their enforcement helps all actors involved in development by clarifying the choices. Public institutions and good governance are vital to development and, often, are even under pressure from international institutions, which require additional commitments. Finally, even the question of including human rights’ within the development debate is not as straightforward a choice as it seems. Human rights can still be a matter of choice requiring policymakers to prioritize. “Framed as human rights, it is hard to know how to prioritize the right to food, to health, to freedom of speech and so on. All of these rights are expensive and difficult to promote, and placing emphasis here or there will change the development path. Taking these choices



Photo by Ratchada Chitrada

The rule of law and peace are  
part of people's welfare.

**Sarah Cliffe,**  
Special Advisor and Assistant Secretary-General on  
Civilian Capacities of the United Nations



into consideration, it was more than timely to include the rule of law in the post-2015 development agenda.”

The Assistant Secretary-General of the United Nations, Sarah Cliffe, emphasized the importance of the links between rule of law and development. “First, because the rule of law and peace are part of people’s welfare”. When people are uncertain about the physical security of their relatives they cannot undertake their activities freely, and therefore “...their development is lower”. Secondly, she said, the rule of law is linked to other types of economic development. “Countries which have experienced major crime and violence have poverty rates of 20 percentage points higher than of those that have not”. Last, “weak rule of law and security institutions have costs not only for the citizens of the country in which they occur, but also

in neighbouring countries. They can spill over through conflict, through organized crime and violence, through trafficking on to neighbours in the region who can also suffer the costs”.

Finally, she elaborated on what is known about building a strong rule of law: “This is about building institutions - essentially building strong police forces, strong criminal justice systems, strong institutions that have a relationship between states and citizens, which allow citizens to file complaints and to believe that no matter how poor they are, or what ethnic group, what region they come from, these complaints will be properly addressed by the legal system”. She concluded by noting that “we know that institution-building pathways must be nationally-owned, so there is no one type of institutions that will fit every country; and that there is a role for government, for civil society and for the private sector in promoting the rule of law”. Leaving this issue out of the post-2015 development agenda will result in inadequate resources budgeted for the promotion of the rule of law, which is often a “very high priority for countries.”

In the following discussion, moderated by Professor Matti Joutsen, Dr. Sathirathai reiterated the convergent view that the rule of law should be incorporated in the post-2015 development agenda. He also voiced support

for Professor Kennedy’s question regarding ‘how to do it’. Professor Evans agreed with the complexity of the issue, but emphasized not losing sight of the bottom line: “...generally, at least in post-crisis and post-conflict situations, it is really critical to get the rule of law right”. Dr. Cliffe, raising the issue of access to justice, stressed the importance of equity of access for opportunities and economic development. Professor Kennedy responded by saying that “rule of law interventions change who has access. Accordingly, it is important to understand that those changes need to be assessed to ensure that the outcome is, in some sense, equitable.”

Raising a question from the audience, Professor Joutsen asked: “The rule of law is often spoken in the same breath as democracy. But many countries are not democratic. Do you have a comment on this?” Professor Evans responded, “you can still have the rule of law operating in an undemocratic system. [It] just does not apply in a way that makes the maximum participation in the decision making process”. He cautioned against rushing towards democracy in conflict-affected countries before fundamental rule of law considerations were addressed. This led to the next question from the audience: “Can the promotion of democracy undermine the rule of law?” Dr. Cliffe answered, “In fact the risks of conflict increase after the first election,” which demonstrates that





“... [elections] have to be accompanied by a lot of other institutions to work safely”.

The next question, also raised from the audience, was: “We have seen countries with a strong rule of law having growing levels of economic inequality and development that fits a small minority. To what extent do we need the right rules that both recognize and remedy this challenge, without hurting overall economic growth?” Dr. Sathirathai responded that transparency and participation, which lead to accountability, can help overcome this challenge. Professor Kennedy said that inclusive economic growth is a choice of economic development, depending on the form of ordering in society. However, he said, changing this structure “...is something the international community can assist with, but cannot replace without wisdom”. Professor

Evans warned that even in well-established democracies, such as Australia, Europe and the United States, one can witness “grotesque” levels of inequality.

The last question asked was: “There has been reference to integrating the rule of law into the post-2015 development agenda, but to what extent can the rule of law be measured to allow for targets and indicators?” Dr. Cliffe answered, “...there needs to be a discussion about what are the most important elements to measure”. However, she said, some key areas to measure would be people-safety or human security. For example, “almost all countries have measures through hospital and policing systems of the probability that you can suffer violent death or rape for women. The equality of access to basic legal rights also [can be measured] by birth or citizen registration”. Professor Kennedy brought up that the United Nations has experience in developing statistical methodologies, and Professor Evans agreed with Dr. Cliffe, but warned against “...overemphasizing the importance of metrics.”

# 5

## The Role of Civil Society and the Private Sector in Advancing a Global Rule of Law Agenda

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Professor Mark Lagon, former US Ambassador-at-Large on Human Trafficking noted that “while the global poor have rights on paper, in domestic laws and in ratifying treaties, [they] very often have little access to justice in practice”. To reduce this gap, “we have a desperate need to move from multilateral norm setting to implementing the rule of law in practice”. He pointed out that of the 12 suggested goals by the HLP report, three included key elements related to the rule of law, i.e., “good governance and effective institutions; empowering girls



Mark Lagon,  
Professor of Global Politics at Georgetown University and  
former United States Ambassador-at-Large  
on Human Trafficking

and women; creating jobs; sustainable livelihood; and equitable growth”. Referring to the eighth goal of the original MDGs, he said, “partnerships are essential for governance, including governments, intergovernmental organizations, businesses and civil society organizations. To close the implementation gap multi-stakeholder partnership is needed to promote the rule of law.”

Drawing on experience, he shared three examples of partnership between civil society and government that strengthened the rule of law. First, in the United States, where there are undocumented migrants, “NGOs are forcing authorities to pay attention to these workers, as their conditions suggest they are trafficking victims”. Second, NGOs in India focus on “...the worst forms of child labour, by organizing campaigns to monitor and force the government to look into this practice”. Finally, citing the example of refugees in forced-labour situations in Thailand, he commended a Thai NGO “for working with authorities and finding these irregular migrants, also helping them get access to justice”. He concluded by

Partnerships are essential for governance, including governments, intergovernmental organizations, businesses and civil society organizations. To close the implementation gap multi-stakeholder partnership is needed to promote the rule of law.

**Mark Lagon,**  
Professor of Global Politics at Georgetown University and  
former United States Ambassador-at-Large on Human Trafficking

Photo by Somporn Panyastianpong





Photo by Somporn Panyastianpong

[The rule of law is the] foundation for communities of opportunity and equity - some form of economic opportunity for all folks and an equitable society.

William Neukom,  
Founder, President and CEO  
of the World Justice Project

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emphasizing the importance of trust towards legal institutions, but also trust “from governments towards civil society organizations, who should not be viewed as critics, but as valuable partners”.

The Founder and CEO/President of the World Justice Project, Mr. William Neukom began his statement with the observation that there was consensus on two premises: First, the rule of law is the “foundation for communities of opportunity and equity - some form of economic opportunity for all folks and an equitable society”. Second, achieving the rule of law will require collaboration across a ‘multi-disciplinary’ array of actors. Mr. Neukom stated that it is important to have a shared understanding of what the rule of law means and then proceeded to define it, based on four universal principles, namely: (i) accountability of public officials and private individuals; (ii) laws at a minimum condition need to be clear, published and consistently applied; (iii) the law is implemented by the state bureaucracy in a fair and efficient manner; and (iv) the rule of law provides justice that is administered in

Roberta Clarke,  
Regional Director of UN Women  
Regional Office for Asia and the Pacific



a “timely manner by competent, ethical, and independent representatives and mutual advocates who are sufficient in number, have adequate resources to do their work, and reflect the makeup of communities that they serve in resolving those disputes”.

In an effort to build the rule of law at the grassroots level Mr. Neukom’s World Justice Project (WJP), an NGO, invests in educating local communities about the concept and its importance in a practical way. In this endeavour, WJP has created several measurements to assess the extent to which countries adhere to the rule of law. This data can be used to inform both governments of their need to change, as well as society to hold government accountable. Moreover, such data is used to develop practical programmes and a growing consensus as to the definition and measurement of the rule of law. Finally, Mr. Neukom expressed his support for including the rule of law in the post-2015 development agenda.

The Regional Director for UN Women in East Asia and the Pacific, Roberta Clarke, noted that “there is a strong





Photo by Ratchada Chitrada

Gender-based violence constrains lives of all women, and a sense of global consensus has emerged for a standalone goal on gender equality and the empowerment of girls. The rule of law is the foundation upon which this agenda will be fulfilled.

**Roberta Clarke,**  
Regional Director of UN Women Regional Office for Asia and the Pacific



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We need to cooperate [because]  
for crime there is no border.

Tariq Khosa,  
Former Director General of the Federal Investigation Agency and  
National Police Bureau of Pakistan

sense of urgency for addressing social and economic exclusion, which co-exists in the region alongside relatively high levels of economic growth. This exclusion, whether based on gender, class, caste, geography, or ethnicity ... impedes development of capabilities and freedoms, and ultimately frustrates social solidarity. Respect for the rule of law and access to justice can decrease or alleviate socio-economic marginalization". Often, whether in formal or informal labour markets in which women are involved, "there is an absence of laws and/or deficits in law enforcement." Thus, "we need regulatory frameworks that address occupational health and safety, maternity protection provision, equal pay, minimum wages pegged at the standards of living, and, of course, labour and social protection."

She continued, "In this work, for stronger and more accountable governance institutions in the rule of law, there can be no denying that all over the world the infrastructure is failing for women". Sometimes, laws themselves discriminate, on property rights, freedom of movement or women's control over their bodies. Even in States where the constitution and laws protect equality and women's rights, discriminatory practices by law enforcement and security services, courts, lawyers and social services can still be the major obstacles to women's security and absence of justice. She concluded, "gender-based violence constrains



lives of all women, and a sense of global consensus has emerged for a standalone goal on gender equality and the empowerment of girls [in the post-2015 development agenda.] The rule of law is the foundation upon which this agenda will be fulfilled.”

Reflecting on his experience as former Director General of the Federal Investigation Agency and National Police Bureau of Pakistan, Mr. Tariq Khosa explained that in countries with a colonial history, “criminal justice institutions have been used as instrument of control based on force and intimidation”. In addition, he noted, “the second major issue is political will. Politicians, when in opposition, want the rule of law, but when in government prefer the law of the ruler”. Furthermore, in many developing countries, “patronage and kinship have been the hallmark of governance”. However, he noted, “this is no more the time when such kind of activity or patronage and kinship can be part of our development or security agenda for the future. In Pakistan, civil society, politicians,

Tariq Khosa,  
Former Director General of the Federal Investigation Agency  
and National Police Bureau of Pakistan



political parties and lawyers got together and started a movement for the restoration of an independent judiciary”. An independent judiciary is “...vital if you have the rule of law.”

An effective fight against money laundering, human trafficking, terrorism and organized crime cannot be achieved at the global level unless we have a concerted approach. “We need to cooperate”, he said, because “for criminals there is no border, while law enforcement is hampered by borders”. Therefore, “we have to cooperate in this area of international police and judicial cooperation”. On his next point, about the States’ authority, he said that “the state has to be watched carefully on how the rule of law is being maintained. ...If you create non-state actors and there is another foreign policy agenda, which is fulfilled by perpetuating violence, the result is terrorism, chaos and the weakening of the State. In such a scenario, even while civil society remains resilient, the State becomes weaker and weaker. Therefore, a strong



Vitit Muntarbhorn,  
Distinguished Professor of Law  
at Chulalongkorn University

State means a State based on the rule of law as well as on moral strength to provide leadership”.

In the subsequent discussion, moderator Dr. Vitit Muntarbhorn reiterated Mr. Khosa’s last point, and emphasized the need for quality law enforcement, as well as civil society participation. He then asked three sets of questions. The first set involved whether “There are times when promoting inclusivity can undermine the rule of law? For example, when we discuss government accountability, we often forego social accountability. [...] and, whether we can balance between rule of law and national security”. The second set of questions, he asked, was “Whether you can say something about religion pertaining to rule of law as linked to civil society? [And] on the other hand, of pro bono people, bare foot people as social capital?” Finally, the third set asked “Whether you can say something about ASEAN and the link with cross border issues, particularly migration. Where does the rule of law fit on that front?”



Ambassador Lagon first answered the question on civil society accountability, noting that “we need more voice for civil society, not only on multilateral settings, but in practical every day matters of implementing the rule of law”. He continued by arguing that “national security is occasionally an excuse by governments to limit civil society organizations”; while in response to the last question, he commented that “faith-based organizations have a vital role to play in contributing to achieve the rule of law, and we should facilitate them to play their role.”

Following up, Mr. Neukom suggested that “to be inclusive, to have more voices, to have more opinions especially if such opinions are informed and based on reliable data. Regarding accountability for civil society, it works if done on the basis of a set of clear and publicized laws”. He also expanded on Ambassador Lagon’s caution regarding national security, stating that a “tension exists between national security and human rights.”



Photo by Ratchada Chitrada

Dr. Clarke commented that, from her perspective, it was important for the State to set up a regulatory framework for the civil society accountability”, noting also that “human rights are secured by lawyers who act generally pro bono and with deep solidarity. The rule of law cannot be operationalized unless people have access to the courts and access to redress”. She cautioned that “we have to accept that there may be complications and tensions between human rights and religions. However, we have to work these issues out through partnerships.”



Mr. Khosa agreed that national authorities could stifle the voice of civil society under the pretext of the collective interest. “The challenge is to balance between security and liberty”. Furthermore, he noted that “religious harmony has to be promoted by the State, as well as by all relevant stakeholders.”

Dr. Vitit Muntarbhorn, summarizing the session, repeated some of the most valuable lessons learned during the day, namely: “We are tackling the link between MDGs and post-MDGs with the rule of law at its centre. And, to communicate it well, he also emphasized that the philosophy from the MDGs remains pertinent in terms of goals which are succinct, substantive, and sustainable, but with the rule of law, security and justice to be included in the next round.” Furthermore, he added that “the advocacy from this panel, and everyone today, is that the rule of law must be part of the post-2015 development agenda advocating - however - a substantive content of the thicker version of the rule of law, which means it must cover human rights, just laws, accountability, and the gender perspective,.... working towards goals that can be measured in realistic targets.” Finally he concluded, “Let’s strengthen our partnership, between civil society, governments, religions, business, and academia, as multidimensional partnerships are the key.”

# 6

## Conclusion and Recommendations

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The Bangkok Dialogue on the Rule of Law included political leaders, academics and representatives from over 11 countries and the United Nations. While an array of widely different backgrounds delivered a plethora of ideas and perspectives to the Dialogue, participants were unified in their belief that the rule of law should be at the heart of the post-2015 development agenda. On the broad topics of inclusive and sustainable economic development, peace and security, action against transnational organized crime and corruption, and gender equality, participants all recognized the need to forge new partnerships and invest effectively and adequately in the rule of law, security and justice.

### **Inclusive Economic Development**

It was emphasized that only an effective and fair rule of law policy, holding the government and those in power accountable to the population, will allow economies to provide equal opportunities for all, to





protect the environment and natural resources, to facilitate investment and trade, as well as to ensure equal access to education, health care, clean water, electricity and infrastructure. The increasingly urbanized economies of the twenty-first century need transparent, predictable and accountable government institutions to achieve inclusive economic growth.

Participants called for the adoption of transparent, fair and predictable legal frameworks that include human rights and ensure that no individual or group is marginalized and barred from justice. In particular for those excluded, such as the poor and other marginalized groups, access to justice should be promoted and include buy-in on such decisions as those that affect their human security, well-being, and economic opportunities. The legal empowerment of vulnerable groups is imperative to create a truly inclusive path forward.



## Peace and Security

As pointed out in the 2011 World Development Report, no low-income fragile or conflict affected countries are close to achieving a single MDG. Peaceful and stable societies are therefore a prerequisite for sustainable development. However, countries most likely to lapse into conflict are those that have experienced it previously. Therefore, it was highlighted that the containment structures and capacities that need to be applied in a post-conflict environment are essentially the same as those that need to be applied in fragile, failing or failed States.

Participants called for building institutional structures capable of non-violently relieving crucial stress points that arise between individuals and groups. This requires the establishment of adequately resourced courts with effective administrations; independent judges; quick, fair and just procedural systems; access to justice; and clear and reasonable legal rules. The application of the rule of law is therefore directly related to acquiring peace, security, and sustainable economic growth.



## Fight against Transnational Organized Crime and Corruption

Many speakers also emphasized that transnational organized crime and corruption are a growing threat to sustainable development. In countries with a weak rule of law and a lack of good governance, there is always the risk that valuable State resources, that could otherwise be used for essential public services, are diverted towards corrupt officials and disrupted to fuel organized criminal groups, ready to exploit existing legal gaps as well as to expand their lethal influence. In addition, the ever growing illicit money flows involved in criminal activities, such as trafficking in drugs and people, carry the risk of undermining the stability of fragile States.

Several participants described ASEAN as an example of how a regional partnership seeks to enhance cooperation to create a rules-based community in support of sustainable development. However, the integration of the ASEAN countries, together with the free movement of goods and people, could also bring unwanted phenomena

like an increase in trans-border criminal activities, with negative effects affecting other neighbouring countries. Therefore, a special call was made for the international community to effectively address the challenge crime posed to sustainable development in the post-2015 development agenda.

### **Gender Equality**

Many speakers emphasized that unfair treatment of women is a problem transcending all boundaries of age, race, culture and geography. Gender-based discrimination and violence are entrenched in various social, cultural and legal traditions. It was stressed that sustainable development cannot be achieved when half of the population is susceptible to violence and discriminated against in the labour force, lacks equality in property rights or is barred access to justice.

Participants called for gender equality and women's empowerment to be included in the post-2015 development agenda. Legal systems should provide protection and remedies for women and girls against discrimination and violence, offer equal opportunities and take their gender-unique needs into account. For development to be truly inclusive and sustainable, it is critical that an effective rule of law and fair justice system is in place, so as to ensure not only gender equality theoretically or formally, but also its actual implementation.

# 7

## The Way Forward

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The Bangkok Dialogue served as a much-needed platform for political leaders, academics and practitioners representing over 11 countries and international organizations, like the United Nations, to share good practices and reflect upon their wealth of experience. Such welcomed diversity, whether examining the issues under discussion from their socio-economic, political or security perspectives, illustrates both the inherent importance and complexity that the rule of law and sustainable development command, as well as the magnitude of the challenge faced by the international community.

It was clear from the discussions that the promotion of an effective and fair rule of law system would serve not only to hold both the government and citizens equal and accountable before the law, but would also provide the necessary conditions to enhance economic growth, address social inequalities, protect human rights, preserve the environment and conserve natural resources, as well as to ensure equal access to basic public goods and essential services, like education, health care, clean water,





electricity and infrastructure. Ultimately, national rule of law institutions were seen as key factors for gaining and maintaining the trust and confidence of the population, so that their aspirations can come to fruition in an inclusive and sustainable manner.

Acknowledging the validity of every perspective, consensus emerged among all participants to propose a vibrant and strong call for the international community to ensure that the rule of law, justice and security are properly included in the post-2015 development agenda. It is hoped that all stakeholders- civil society, academia and governments - will maintain their commitment to remain engaged in a constructive dialogue, as deliberations for the post-2015 development agenda continue to move forward.







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### **Thailand Institute of Justice**

93/1 GPF Building 16th Floor  
Witthayu Road,  
Lumpini, Pathumwan,  
Bangkok 10330, Thailand

Phone: +66 2 118 9400  
Email: [info@tijthailand.org](mailto:info@tijthailand.org)  
Web: [www.tijthailand.org](http://www.tijthailand.org)  
Facebook: [facebook.com/TIJ2011](https://facebook.com/TIJ2011)

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